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Status of the Claims

Claims 41-52 are pending herein, Claims 41, 46 and 50 being the independent claims.

Remarks

Each of independent Claims 41 and 46 were previously amended to recite a "system-generated delay" instead of a "system-imposed-delay," (response filed on 1/28/08). Likewise, independent Claim 50 was then amended to recite a "processor-generated delay" instead of a "processor-imposed delay."

This recitation more clearly points out that the system (or the processor) does not merely impose a delay that originates from an external source (e.g., the operator), but that it is the system (or processor) itself that generates the delay. In the particular embodiment of the invention depicted in FIG 1 of the specification, video storage and delay device 150 both generates and imposes the "system-generated delay." The video storage delay device 150 is discussed, for example, in paragraph 34 of the specification.

Rejection Under 35 U.S.C. 102(e) - Claims 41-52

Claims 41-52 stand finally rejected under 35 U.S.C. 102(e) as being anticipated by Gammenthaler (US 2004/0201765). This rejection is hereby traversed for the following reasons.

Independent Claim 41, as previously amended, is directed to a method of operating a vehicle-mounted surveillance system including a camera and vehicle-mounted recording device that creates video recordings having a start time and a stop time, including capturing a stream of real time video of an area of surveillance using the camera, processing the real time live video stream by imposing *a surveillance system-generated delay* of a pre-set time interval on the live video stream to generate a time-delayed video stream, wherein the delay that is generated is in addition to any delays caused by latency and other time-delays inherent in electronic devices that process video streams for a purpose other than

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imposing a delay, and activating the recording device, upon an occurrence of an event at a reference time, to record the time-delayed video stream so that a video recording is created of the surveillance area and the start time of the video recording precedes the reference time by the pre-set time interval.

In the previous (non-final) Office Action the Examiner took the position that the delay that is imposed by the Gammenthaler system originates with the operator (specifically, the first, non-final Action recited (page 3, lines 1-6)):

“processing the real time live video stream by imposing a surveillance-imposed delay of pre-set time interval on the live video stream to generate a time-delayed video stream (e.g., 21); wherein the delay that is imposed is in addition to any delays caused by latency and other time-delays inherent in electronic devices that process video streams for a purpose other than imposing a delay (i.e., operator reaction time)”.

Under this interpretation, the system merely imposes (i.e., conveys or transfers) a delay that arises because the operator presumably activates the recording device 52 at some time after the video is captured by the video camera 10 (i.e., the Examiner’s noted “operator reaction time”) (this “officer reaction time” is again relied upon in the rejection of Claims 42-52).

However, the amended claims now clearly point out that *the delay is actually generated by the system (or processor) itself* – the Final Action notes that the statement that “the operator is not involved” – is not recited in the claims. Applicant notes that the claims DO recite that *the delay is “system generated”*. This clearly limits the claim to a ‘system-generated’ delay (or one that does not rely upon involvement of an operator) – Applicant relies upon the language “system generated” to distinguish over “operator generated”.

In the Final Office Action, in response to the amended claim language submitted on January 28, 2008, the Examiner states (see para. 2 of the Final Action), that “Gammenthaler already discloses the concept of such common system/processor generated delay 54”.

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Again, Applicant respectfully disagrees. The delay generated by “system controller 54” of Gammenthaler does not teach or even suggest a delay as defined by the independent claims, in which the real time live video stream is processed by imposing a surveillance system-generated delay of a pre-set time interval on the live video stream to generate a time-delayed video stream, wherein the delay that is generated is in addition to any delays caused by latency and other time-delays inherent in electronic devices that process video streams for a purpose other than imposing a delay.

As noted in paragraph [0054] of Gammenthaler, “if an officer wants to record to tape all of the events that happened in the last 10 minutes...he can give a command via control panel 20 to the system controller 54”. Paragraph [0059] further explains that “the function of the real-time/stored video playback selector is to select the stored video...[t]his selection is made by the officer via control panel 20 and system controller 54”.

The embodiment described in Fig. 3 of Gammenthaler also explains that the “system controller 55 can be controlled in this embodiment by the officer via control panel 20 to send a command to the hard disk 51 to cause it to playback all recorded data starting from a specific frame number or a specific time of day”.

Gammenthaler does *not* impose a ‘system-generated delay of a pre-set time interval on a live video stream’.

Conclusion

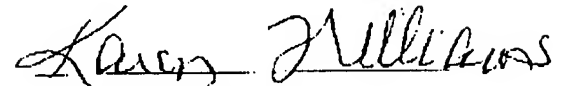
In view of the foregoing, it is believed that the application is now in condition for allowance, and early passage of this case to issue is respectfully requested. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

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Fees

The extension fee, and any additional fees that may be due and owing in respect to this amendment, may be charged to the undersigned attorney's PTO Deposit Account number 50-1047.

Respectfully submitted,



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